

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665
Hon. David A. Faber

**ORDER REGARDING MOTION OF THE FBI AND DEA FOR
PROTECTIVE ORDER**

The Drug Enforcement Administration (“DEA”) and the Federal Bureau of Investigation (“FBI”) moved this Court for an order preventing disclosure of approximately 3,500 documents subject to the Court’s July 27, 2020 Order (“July 27 Order”), Dkt. No. 801, and permitting the United States 45 days to review the documents at issue. Dkt. 847. The documents at issue are in the possession, custody, or control of Plaintiff the City of Huntington, and involve law enforcement information. The Special Master orders the following:

1. The DEA and FBI will have ten (10) days, or to and including Monday, August 24, 2020, to conduct an initial review of the documents at issue for privilege concerns.

2. The DEA and FBI will group the documents at issue based on privilege concerns, including (1) documents under court seal; (2) documents the DEA and FBI assert are privileged and should be withheld; and (3) documents that can be produced pursuant to an Highly Confidential–Attorneys-Eyes-Only Designation in whole or with redactions.

3. Following the ten-day period for review, the DEA and FBI will designate for *in camera* review by the undersigned a subset of the documents that the DEA and FBI assert are privileged and should be withheld.

4. To the extent the DEA and FBI determine during their review that documents are not privileged and can be produced under the Highly Confidential–Attorneys’ Eyes Only designation, the DEA and FBI will produce those documents, or cause those documents to be produced, on a rolling basis where practicable.

Respectfully submitted,

Dated: August 18, 2020

Christopher Wilkes
Special Master